THE BRITISH MINISTRY.

Premier Gladstone Proclaims His Resumption of Office to Parliament.

The House of Commons Crowded and a Large Attendance of Distinguished Visitors-The Great Party Chiefs Saluted with Cheers-Cabinet Definition of the Crisis and Its Conciliation-Disraeli's Exposition of His Position, Duty and Grand Difficulties-From Ireland to Central Asia and Thence to Geneva.

TELECRAMS TO THE NEW YORK HERALD.

LONDON, March 20, 1873. 1- Parliament reassembled in session in the aftermoon to-day. The attendance of members of the House of Commons was unusually numerous, and the galleries were filled almost to suffocation with visitors. The interior of the House presented an anusual spectacle in anticipation of an important communication from Mr. Gladstone announcing the termination of the ministerial crisis by his return to office. All the benches were filled with members, and the opposition mustered in considgrable force. Among the distinguished persons present were Prince Arthur, the Duke of Cambridge and Prince Christian. Many members of the House of Lords also attended in the gallery set apart for

As Mr. Gladstone and Mr. Disraell entered the House loud cheers were successively raised by their respective supporters.

PREMIER GLADSTONE'S SPERCH When Mr. Gladstone rose to make his statement the cheering was repeated, this time from all parts of the House.

The right honorable gentleman said he was now able to acquaint the House with the fact that he and his colleagues in office, with Her Majesty's bermission, were prepared to carry on the government as before. He explained fully that "it was only after the party opposite had unconditionally refused to form a Ministry that he and his friends had consented to resume office."

Mr. Gladstone added that the Oueen had given him permission to read an extract from a state ment he had made to Her Majesty. It was to the effect that he did not suppose that the efforts of the gentlemen of the opposition to defeat the government were made with the deliberate intention of refusing to organize a Cabinet if it should be required of them; but the summary refusal given when the occasion arose he considered not fully in accord with the exigencies of the case nor with parliamentary usage.

The Premier's statement was frequently interrupted by applause, which was warm and long continued at the close.

Mr. Disraeli explained the course he had thought proper to pursue since the beginning of the crisis. He confessed that the differences between himself and the Irish Catholics were insurmountable. A new Cabinet would require until Easter to get into working order. Even then it would have to deal With financial estimates made by its predecessor, and would probably be outvoted every night in Parliament, A dissolution of the House had been suggested. But why dissolve? Sitting on the opposition benches he and his friends had difficulty in forming a policy on so short a nosice; and it was not to be expected that they could appeal to the country without B policy on questions more important than that of the Irish University bill. There were many puestions on which it had been impossible to mature a policy, even in opposition, such as the Central Asian dimculties, the new rules introduced into international law by the Geneva Board. the payment of the award for the Alabama claims, equal magnitude. All things considered he had felt it to be his duty to decline the responsibility of organizing a new government. The Queen herself had suggested a dissolution of Parliament: he had declined to advise such a step, and stated to Her Majesty that in his opinion there was no adequate reason for the government to resign, and that it might return to office without the slightest loss of honor and to the greatest possible convenience of

Mr. Disraeli closed with the remark that poss bly some of his supporters in the House might be fissatisfied, to which there were loud cries of

The Statement in the House of Lords-Ducal Endorsement of Disraeli's Ge-

LONDON, March 20, 1873.

In the House of Lords Earl Granville announced the decision of the government in a speech differ ing little from that of Mr. Gladstone.

The Duke of Richmond defended the conduct of the leaders of the opposition in the crisis. It had been asked, if Mr. Disraeli was not willing to undertake the task of forming a Ministry, why did he labor to put the government in a minority in the House of Commons? He combated the idea of intonsistency, and enlogized Mr. Disraeli, who, he fleclared, had "increased the lustre of his fame as a statesman by his wise, patriotic and unselfish action in the present emergency."

CUBA.

Spanish Naval Command-Insurgent Battle with the Government Forces-Trade and Finance-Blackmail by the Way.

> TELEGRAM TO THE NEW YORK HERALD. HAVANA, March 19, 1873.

Rigada, the newly appointed Admiral of the Spanish fleet in Cuban waters, has entered upon the duties of his position.

The Spanish steamer Chickamauga has arrived at this port from New York.

At a meeting of the Guild of Merchants it w decided to apportion the untaken bonds of the new loan among the merchants of Havana. The parties to whom the untaken loan is allotted will be left at liberty to subscribe or not for the amount which may be apportioned to each.

INSURGENT BATTLE WITH THE SPANIARDS. On the 13th inst. the insurgents attacked the town of Larojal. Troops from Holguin arrived and ments are reported to have taken place in the Central Department. The Havana laborantes

BANDITS AND BLACKMAIL. Bandits are operating in the vicinity of Batakilled by the band. A battery of artillery and a equadron of cavalry have gone to operate in the

ENGLAND.

Chancellor Lowe's Budget Calculations-The Bank of England Forgeries Case-The Anglo-Hiberniaa Riotous Demonstration-Alarm in the Coal and Iron Districts.

LONDON, March 20, 1873. Mr. Lowe, Chancellor of the Exchequer, will present the annual budget about the 3d of April. It will show a revenue of \$380,000,000 and expenditures to the amount probably of \$355,000,000.

THE BANK OF ENGLAND FORGERIES. Noyes, the alleged confederate of the parties who committed the great forgeries on the Bank of England, was up before the Court for examination to-day. Witnesses for the Bank gave their testimony, and the case was adjourned, the prisancr being remanded to Newgate.

FLOW OF BULLION TO THE BANK.

The bullion in the Bank of England has increased £53,000 during the past week.

RIOT AND COMBINATION IN THE COAL AND IRON

The tiot in Wolverhampton the day before yesterday was between the Englishmen and Irishmen em-ployed in the coal mines in the vicinity of that days, and culminated on Tuesday in an open con-The authorities have arrested over a hundred of the men who participated in the riot.

A despatch from the scene of the disturbance this morning says there are indications of a renewal of hostilities to-day. The English miner threaten to strike unless the Irish employes are discharged. The shopkeepers of Wolverhampton, apprehending rioting and depredations, are clos ing their places of business, and there is much alarm among the citizens.

SPAIN AND FRANCE.

Serious Correspondence Between the Chiefs of the Republics-Castelar's Case Against the Versailles Cabinet-Clerical Combatants and Their Cost.

TELEGRAM TO THE NEW YORK HERALD.

PARIS. March 20, 1873. Important correspondence has passed between France and Spain. It grew out of certain atrocities perpetrated by the Carlist chief, the cure of Santa Cruz. The French government complained that Santa Cruz and his band had killed four French officials on the Northern Spanish Railway and carried four others into the mountains.

Señor Castelar in reply expressed regret at these outrages. He remarks, however, that most of the Carlists were equipped in France, whence they have since drawn supplies of money and provisions. The curé of Santa Cruz himself sojourned ome time in Bayonne before passing into Spain, and was not interfered with. Numbers of the Car lists wear the uniforms of French mobiles, and many Frenchmen of noble rank are serving with the insurgents. He states in conclusion that the government is taking all measures to put a stop to these excesses, and recently seized as hostages the mother and sister of the curé of Santa Cruz.

FRANCE.

Parliamentary Elections-Marshal Bazaine's Case Made Ready for Trial.

TELEGRAM TO THE NEW YORK HERALD.

PARIS, March 20, 1873. Elections to fill vacancies in the representations of several departments in the National Assembly have been ordered to be held on the 27th of April.

MARSHAL BAZAINE'S TRIAL The preliminary inquiry into the case of Marshal Sazaine has been concluded. Nothing has been decided upon touching the manner and place of trial or the composition of the tribunal before

The friends of the Marshal are now allowed to

ITALY.

The Empress in Italy as an Invalid.

TELECEAM TO THE NEW YORK HERALD.

FLORENCE, March 20, 1873. The Empress of Russia has arrived in this city. Her Majesty is journeying to Southern Italy, where she contemplates remaining some time for

BURGLARS IN PITTSTON.

The Post Office Broken Into, the Safe Opened and Robbed and Registered Letters Carried Off-Another Establish ment also Entered and Robbed.

PITTSTON, Pa., March 20, 1873. that the Post Office had been burglariously entered, and, upon further examination, it was found that a safe which occupied a position in a back part of the office was blown open and rifled of its con-

The thieves must be adepts in their profession for, in addition to robbing the safe, they ransacked the letters in the office, and appropriated all those that were registered, only leaving the others in their place.

a large crowd of persons there, speculating as to the probable manner in which the daring robbery was accomplished. The floor was covered with the debris of lath, mortar and mail bags, and Mr. G. M. Richart, Postmaster, and his female cierks, two pretty brunettes, were completely confused. Mr. Richart informed me that the exact amount of the robbery could not be estimated. The sale contained a sum of money belonging to the Episcopal Congregational church amounting to about six thousand dollars and postage stamps amounting to \$1,100, which were taken.

ANOTHER BURGLARY.

Almost simultaneously with the Post Office robbery it was discovered that a safe in the office of Charles Pugh was also blown open and rebbed of its contents. A large hole in the ceiling of Mr. Pugh's office attested the force with which the safe exploded. The explosion was effected by introducing powder into a small hole through the door of the safe and probably ignited by a fuze.

These daring robberies have created quite a sensation here. It is understood that they are the work of a professional gang of thieves from Philadelphia. No clue to their discovery has as yet been obtained. the probable manner in which the daring roppers

WRESTLING AT THE HUB.

Lane and Ainsworth Give an "Exhibition"-The Former Declared Victor by "Long Odds."

An exciting wrestling match came off at the St. James Theatre this evening, between the renowned Homer Lane, of Brighton, and Alnsworth of Connecticut. The contest was more to see who plishments, rather than for any magnificent finan cial wager. An equal division of the admission money after paying expenses being considered an equivalent. The theatre was occupied by about six equivalent. The theatre was occupied by about six hundred of the admirers of wrestling and kindred sports, and bets were numerous and heavy, the odds all the while being in lavor of Lane. At the start, after a little preliminary skirmishing, the Brighton athlete got an inside lock, and both went down, but there was "no throw" according to the ruling of the referee. Subsequently Ainsworth jerked Lane upon his bread basked, and then again on his knee; but the latter was numble and saved himself, finally getting a heel lock on his rival and bringing him down in a manner as sudden as it was handsome.

bringing him down in a manner assudden as it was handsome.

At the second scratch there was a period of terpsichorean exercises, during which Ainsworth twitched Lane upon his knees and ripped off the collar of his coat, Another one was supplied and the contest renewed, when Ainsworth got a cross-toe lock on Lane and brought him to tae door in the twinkling of an eye. The excitement at this period was large, and while the sympathics of the "large and select" andience were with the Connecticut contestant, there were few who had confidence in him. An even bet of \$500 on Lane and several of \$100 against \$50 found no takers. At the third and last tussic Lane went for an inside lock, and a long and powerint struggle ensued him. the third and last tussie Lane went for an inside lock, and a long and powerint struggie ensued, but Ainsworth resisted it successfully. Then they danced a sort of sailor's hornpipe around the stage, we noting up with Ainsworth getting the most of it and josing the honors of the contest.

THE END AT HAND.

To-Day's Tragedy of Justice at the Tombs.

FOSTER'S LAST DAY OF LIFE.

The Doomed Man Clings to a Groundless Hope.

THE PREPARATIONS FOR EXECUTION.

The Last Effort to Save Him by a Writ of Prohibition.

domned murderer of Avery D. Putnam, will this morning surrender his life in expiation of his crime, was erected yesterday afternoon in the court yard of the Tombs prison, and at daylight this morning the pulley, rope and clasp will be run through the eyelets and over the block wheels.

It is a common-place looking machine, consisting of two uprights and a crossbeam, with a platform of planks beneath it resting on the paving stones of the jail yard, and is painted a deep slate or lead color. About the centre of the beam is a small iron pulley wheel, and near the right hand shoul der is another similar wheel. At this right hand post an upright box or enclosure, about four feet square and twelve feet high, is built, and in this apartment is suspended the weight which is to act as a counterpoise to the culprit when the signal of death is given This weight of about three hundred and fifty pounds will be connected to the main cord traversing the pulleys, but it will be suspended about six feet from the ground by a stay rope, and the cutting of this suspensory cord will allow the weight to fail, thus bring a tension upon the line running over the pulleys. As a consequence the end of the rope to which the clasp and noose are pendant will be drawn upwards with a tremendons ferk, and will carry with it whatever object may be at the time attached to it. The object is, of course, to break the neck of the culprit by the suddenness of the upward movement, but the plan is less effective than the "trap-drop," and death usually ensues by strangulation merely. THIS ENGINE OF DEATH

has already done extensive public service in this city and has, in addition, been loaned to the authorities of other counties in the State. On this gibbet died Bernard Friery, the murderer of Harry Lazarus; Frank Ferris, the uxoricide; Jerry O'Brien, who drove a fish knife through his mistress, the weapon piercing her heart and coming so deeply imbedded in his wife's skull that it tool great exertion to withdraw it; Jack Reynolds, the idiot, whose death faisified his own prophecy that "hanging was played out in New York;" John Real, the assassin of Policeman Smedick, and John Thomas, a negro, who slew a man of his own race. These died at the Tombs. But the Brooklyn authori ties borrowed it and used it to execute Gonzales and Pellissier, the murderers of Otero, and Rogers, who clubbed the life out of Policeman Donnelly. Buckhout, the Sleepy Hollow butcher, who shot his wife and friend on a Thanksgiving day, paid the penalty of his crime on this scaffold at White Plains, and it has been used up the river, at various times and places, 28 far as Newbury. A fearful history for so insignificant a structure! Its predecessor is said to have been cut up for kindling wood.

THE SCAFFOLD NOW STANDS in the accustomed position in the southwest corner of the yard, with its rear to the entrance of the women's prison, and an awning will be stretched women's prison, and an awning will be stretched over it this morning to prevent either sunshine or rain from failing on the spectral timbers and to shut the view obtainable from adjacent housetops. The uprights are each eighteen feet in highth and the crossbeam is about fifteen feet in length. The rope will be entirely new of the best houp, of four strands and closely twisted. The noose will be attached to the swing-rope by a wrought iron clasp and will be worn by Foster as he approaches the scaffold.

So far as possible all "note of preparation" was

ne approaches the scaffold.

So far as possible ali "note of preparation" was hushed yesterday and save the clatter of the timbers and occasional thumping of mailets no sounds that could be avoided were heard. The timbers are fastened together with wooden pins and morticed joints.

are fastened together with wooden pins and morticed joints.

FOSTER'S LAST DAY

of life was a peculiarly gloomy one, even for a man in his dread position. The cells and corridor of the prison are never cheery looking, but the raincharged pail of gray cloud that hung over the city yesterday, drepping fittul sputterings against his narrow window pane, had a depressing effect upon the man and upon all his surroundings. He retired te sleep about one o'clock on the night of Wednesday and slept latter yesterday merning than has been his custom since his condemnation. As usual, his first visitor was his wile. He ate sparingly of the breakfast which was prepared for him.

When his wife crossed the prison yard the timbers of the gallows lay where they have since been erected, and one shuddering glance told that the unhappy woman divined too truly what they meant. When she had been a little more than an hour in the prison her emotions overcame her and she was seized with

nour in the prison her emotions overcame her and she was seized with

A swooning fit.

Foster's sister and brother-in-law were present and immediately summoned aid. Restoratives were applied and in a short time she revived, but gave evidences of severe nervous shock. This was the second time hirs. Foster has been thus prostrated, and aroused a tremuleus anxiety on the part of Foster which he had not previously exhibited. On Wednesday night, about balf-past nine o'clock, her fortitude forsook her and she sunk into a state of unconsciousness, but under the gentle ministration of kind friends, among them the prisoner's sister, she railied, and soon afterwards left the prison for the home of her premature widow-hood—the torn nest of her orphaned brood of little ones.

oner's sister, she railled, and soon afterwards leit the prison for the home of her premature widowhood—the torn nest of her orphaned brood of little ones.

FOSTER SECLUDED HIMSELP from the gaze of his fellow prisoners yesterday with a studied persistency in marked contrast with his habit of preceding days, and which seemed to indicate that he had at last begun to realize that longer maintenance of hope was a delusion. It has been his custom hitherto to pass the greater part of the day in the corridor with his friends, but most of the time yesterday he spent in his cell. Rev. Dr. Tyng spent some hours with him in sacred communion, and kev. Father Duranquet and another Cataolic clergymen also visited him for a few minutes. Rev. Mr. Schommaker, Chaplain of the State Prison at Sing Sing, also conversed with Poster for a short time, and urged upon him prompt and earnest preparation for the life hereaiter. It is said by those who have had the best opportunities of observing his conduct that Foster displays comparatively little outward evidence of the benefits of the spiritual attendance he has received, and it is believed that this fact has been largely due to the persistence with which he has hoped and believed that merciful

INTERPOSITION WOULD COME from some quarter or as the result of some of the many strenuous efforts made in his behalf. These have so distracted and deluded his thoughts that he has not been able fully to concentrate his mind upon the scheme of his soul's salvation. He never conceded that his body was in such terrible peopardy, and even yesterday afternoon had hopes that the attempt to obtain a writ of prohibition would be successful. All the religious interviews yesterday took place in his cell.

LAST NIGHT IN PRISON.

Foster's father did net visit him at all yesterday and will not see him again in life. He took his farewell of his son on Wednesday night in the prisoner's mother has not visited him during his incarceration, being an invalid, and her son to-day passes from the world with no mate

Foster, after the departure of his relatives, returned to his accustomed seat in the corridor near the stove, and engaged at intervals in conversation with his keepers, Deputy Sherids Hanbury and Seebacher. He spoke but little, however, and seemed to be engaged in deep meditation. His cell door was open near him, but he manifested no desire to siep. Hours passed in this way.

AT TWELVE O'CLOCK, MIDNIGHT, the verge of the day on which he is to die, Warden Johnston visited the prison and spoke to the doomed man. den Johnston visited the price doomed man.
"About what time do you go to bed?" asked the

Warden. "Well along about ten of eleven o'clock, gener.

ally," replied Poster; "that is, when I get sleepy, but I am not sleepy to-night." No wonder he was not sleepy. Twenty feet from him the gaunt scaffold reared its outlines dimly in

INKY BLACKNESS OF THE NIGHT, and would be invisible were it not for the gleaming of the imps on the walls in the prison yard. At most he could hope for but ten hours of time ere he closed his eyes in a sleep that may endure for ages—the great riddle of the future, the unsolved problem of the world.

great riddle of the future, the unsolved the world.

At one o'cleck this morning he still sat in his chair, silent, save at rare intervals, but with no signs of fear about him, and nothing whatever of bravado, a quiet and apparently resolute man. When the metropolis this morning reads these lines he will be making als toilet of death and preparing for the great mystery which will be solved to him by neonday, leaving the world behind him to ponder on the problem- as it has done in thousand years.

solved to him by neonday, leaving the world behind him to ponder on the problem-as it has done for six thousand years.

Warden Johnston remained in the prison all night prepared for any emergency and ready for the sad work of to-day.

Sheriff Brennan visited the prisoner twice yesterday and had brief conversations of a friendly nature with him, as did also Warden Johnson. who has been unremitting in his attentions, so ar as they have been of avail, in rendering Foster's position comfortable.

who has been unrematting in his attentions, so har position comfortable.

ABOUT SIX HUNDRED PASSES, in the form of temporary appointments as deputy sheriffs, "to assist in preserving the public peace," &c., have been issued by Sheriff Brennan, and about six thousand applications were made without avail. Nearly all of these permits have been issued to public officials, physicians and the press, and to such laymen, the jurors and others who, under the law, are expected to be present. From the peculiar formation of the jail yard about one-half only of the persons to be admitted will be able to witness the execution.

The clamor for tickets of admission at the Sheriff's office yesterday was of a character that reflected in a measure the fearful morbidity that prevails among too many men. Not one of the applicants probably had any sort of business or even motive in endeavoring to be present save the brutal desire to see a fellow being writhe out his life by a violent, disgraceful, and too frequently uncertain mode of death. As an example the following

will be sufficient. Mr. Theodore Moss, manager of Wallack's Theatre, happened to be in the Sheriff's office about indi-past three o'clock in the alternoon, and the crowd who were clamoring about every attaché for the coveted mourning-berdered blitiéte knew that in half an hour the office would close and with it their prospect of success. Mr. every attache for the coveted mourning-berdered billide knew that in half an hour the office would close and with it their prospect of success. Mr. Moss was in one of the inner apartments, leaning over a desk, and a friend requested "a pass" for the theatre to witness "David Garrick." The crowd got wind of the fact that he was writing "a pass" and had authority so to do, and almost instantly he was besieged by a score or two of suppliants, who followed him and begged that he would accommodate them. It took some minutes to convince them that he was running high comedy up town instead of heavy tragedy at the Tombs.

The Sheriff's posse of deputies has been notified to assemble at the Sheriff's oilice at eight o'clock this morning, whence they will proceed to the prison, two abreast, headed by Sheriff Brennan and Under Sheriff Stevens. They will bear their staves of office and wear their shields, both of these emblems being shrouded in crape. A force of ubout three Fundred pedice will preserve order outside the prison, and will be under command of Captain Kennedy, of the Sixth precinct.

AN EFFORT FOR A WRIT OF PROHI-BITION.

Foster's Counsel's Last Resourceformal Application to the Judges of the Supreme Court.

Yesterday a final and desperate effort was made by Mr. Allen, of counsel for the doomed man Fos-ter, to obtain through the Judges of the Supreme Court, General Term., a further stay of proceedings in the shape of a "writ of prohibition," preventing the execution of sentence of death on William Foster to-day at the City Prison, Centre street, by Sheriff Brennan. This attempt, which was undertaken as

by counsel, and with but little hopes of success proved abortive, but only after grave consideration on the part of Judges Ingraham. Davis and Barrett, of the Supreme Court, now sitting in General

When the rumor spread about the City Hall ver terday morning a HERALD reporter called at the office of ex-Judge Porter, Foster's leading counsel, on Broadway, and he there learned that that gentleman was confined to his home by illness, and that he had abandoned all hope for Foster, believing that there was now

NO MOTION LEFT which could be made in Court that would delay his execution. The reporter subsequently learned that Mr. Allen, who was associated with the late Sidney H. Stuart in Foster's first trial, and who, though he now fills the position of Chief Clerk in the District Attorney's office, has been very much interested in Foster's fate and has appeared for him on several occasions, entered the Sheriff's office at an early hour yesterday morning, and as Foster's counsel asked to see the document which the Sheriff had received from Governor Dix announcing that the of Foster was suspended from the 7th of March to the 21st inst. This document, which was addressed to all whom it may concern, and not to any one in

particular, merely of the execution of the sentence of the Court from the 7th of March to the 21st inst., on which date it shall proceed unless further orders should be received from him (the Governor) to the contrary. After carefully examining this document Mr. Allen went before Judges Davis, Ingraham and Barrett, in their private room, and stated that he did not wish to make any formal metion for a writ of prohibition to open Court if it would be useless. The circumstances of the case, he said, were too terrible to warrant him in making any public motion at such a juncture, and he wished to give the Judges time for PRIVATE CONSULTATION

the Judges time for PRIVATE CONSULTATION and ascertain from them beforehand what course they would take should the motion be made. He then submitted his reasons for making the application, which, as subsequently stated to a Herald reporter, were substantially as follows:—
That the order of respite sent to Sheriff Brennan by Governor Dix on the 6th of March last was informal and not an order of execution for two reasons—

Brenan by Governor Dix on the 6th of March last was informal and not an order of execution for two reasons—

First—That it commenced with the phrase, "The people of the State of New York, to all whom it may concern," instead of the usual phrase in such cases, "To the Sheriff of the city and county of New York," which was, counsel contended,

"A MANIFEST ERROR"

and contrary to all precedent.

Second—That the whole order should have named the time and place of execution, according to section 19 of an act, in crimes punishable with death, of the Revised Statutes of the State of New York (Banks & Brother's fifth edition, volume 3), which implies that it is absolutely necessary that the Governor name

THE TIME AND THE PLACE

of the execution when a respite has been granted by the Sheriff for insanity, or by himself for any other cause; and section 11 of the same act, when says:—

Whenever any convict shall be sentenced to the punishment of death the Court, or a major part thereof, of whom the presiding Judge shall be one, shall make out, sirn and deliver to the Sheriff of the county a warrant stating such conviction and sentence, and appointing the day upon which sentence shall be executed.

Connsel concluded that the document in the hands of the Sheriff was not a warrant authorizing

Counsel concluded that the document in the hands of the Sheriff was not a warrant authorizing Sheriff Brennan to proceed with the execution to day in the sense of the above statute. It was, he

day in the sense of the above statute. It was, he said,

AN ORDER FOR RESPITE,
but not an order naming time and place of exclusion. Section 23, page 679 of the Revised Statutes (Edmunds' second edition), was then submitted by Mr. Allen to the Judges, which positively lays down that when the execution of a sentence, in which the penalty is death, is delayed for any cause beyond the time appointed by the Court, the District Attorney, or any afficer by his authority, shall have the power of bringing the prisoner into Court, or if he be at large have him arrested, and after the examination of the facts have him resentenced.

A HERALD reporter had a conversation with Mr. Allen, in which he explained what he meant to do in case the Judges indicated that they would accede to his motion for a writ of prohibition should it be made. It was his intention to move yesterday afternoon that Foster be again brought into the Sunreme Court, General Team, and be the sentence.

ditional delay?

Mr. ALLEN—Certainly. The Revised Statutes I queted expressly provide that an interval of not less than four weeks and not more than eight intervene between the delivery of the sentence by the Court and its execution. Judge ingraham actually suggested that, as there seemed to be about the matter, Foster be brought up to the Su-preme Court, where they could hold General Torm and resentence him to death to-morrow. If they should de this, however, I had a stronger motion

should de this, hewever, I had a second than ever to make.

After several hours' deliberation and after the most careful consideration of the matter the Judges sent for Mr. Allen and informed him that if a motion for a prohibition of sentence by Sheriff Breman were made in open court it would be denied on the grounds laid before them by Mr. Allen in their private room.

A NEW MODOG COMMISSIONER

WASHINGTON, March 29, 1873.

E. Thomas, of Petaluma, Cal., has been appointed Peace Commissioner, vice Applegate, respect.

BOSTON'S DOOMED MURDERER.

Hanging Not Played Out in Massachusetts.

Preparations for the Execution of McElhaney, the Wife Murderer-On the Bank of the Dark River.

Boston, March 20, 1873. James McElhanev, a wilful murderer, is to pay the penalty of his crime on a scaffold, in the Suffo County Jall, to-morrow forenoon. His crime is not of so aggravated a character in all its details as that of many a man who has escaped with trivial punishment, and probably if it had not been for the murder epidemic which has prevailed so ex-tensively of late he would have got off with State Prison for life. He committed deliberate murder, however, was convicted of it after a fair trial, and was sentenced to the extreme penalty. Energetic efforts to save the condemned have been made by some of the representative men of the community, but Governor Washburn, like Gevernor Dix, of Nev York, believed that the safety of the community required that justice should take its course.

THE MURDER AND THE CIRCUMSTANCES The victim of McElhaney was his own wife. He had been separated from her through the manceuvrings of the inevitable mother-in-law-a Mrs. Rob erts-and on every occasion when he had tried to terfered. In fact, she had such control over her daughter that finally she got even her estranged from the one she had sworn to cherish and love. It was under these circumstances that McElhanev went to see his wife on Winsor street, at the resi dence of the mother-in-law, on the afternoon of the 17th of August last. He gained access to a room where she and their only child were scated, and almost instantly drew a revolver and shot his wife dead. The other occupants of the house, hearing the report, rushed in, and the mother-in-law among them. Without paying particular attention to anybody he immediately FIRED THREE BALLS INTO HIS OWN HEAD,

and, strange as it may seem, not one of them was fatal or dangerous in its consequences. They all struck the skull and tore their way through flesh, and lodged harmlessty in the side of the room McElbaney was not even rendered insensible by the wounds, but full of a sense of self-preservation, he leaped from a second story window on to the sidewalk and then ran for liberty. An officer in the neighborhood, seeing the bloody fugitive, divined that something was wrong, and captured and took him to the station house. He seemed that he meant to kill his wife. wrong, and captured and took nim to the station house. He denied that he meant to kill his wife, and insisted that the first shot, like the three which followed, were intended for himself, and this was one of the points of the delence. Insanity was also urged, but medical men disproved it. That the murderer was aggravated by domestic troubles and a meddlesome mother-in-law is admitted; but his own personal record was bad, and from a circumstance which transpired only and from a circumstance which transpired only three days before the murder it is clear that the

and from a circumstance which transpired only three days before the murder it is clear that the crime was premeditated. This circumstance consisted of the forgery of a deed of a certain amount of property held by his wife, and in procuring the legalizing of the deed he had his own sister personate his wife. The natural presumption is that, the wife being out of the way, the property would then fall into his hands—hence one reasonable motive for the crime.

The TRIAL AND CONVICTION.

The trial took place in September last, and the accused was ably defended by George Sinnott, a lawyer who received considerable renown by defending that deluded abolitionist whose soul is said to be "marching on." The evidence was plain and direct, and the conviction and sentence which followed were creditable to Court and jury.

EFFORTS FOR A COMMUTATION.

The anti-capital punishment phisanthropists were early on hand and besieged the Governor for Executive elemency. Their chief point was that the murder was the result of insanity, and in order that the question might be settled the Governor granted a reprieve for one month. The claim was not sustained, and efforts for a new trial then followed, both the Legislature and the Supreme Court being invoked to secure it. All failed, however, and the Governor has ordered that the condemned shall hang to-morrow. Among those most clamerous for Executive interference was Wendell Phillips, and in his arguments he attacked Mr. Sinnott for laining to properly delend his client. Mr. Sinnott replied a lew days afterwards in a public letter, which has attracted considerable attention. It was caustic and criticising to a degree which challenged even the learned Phillips, and he has never attempted to meet its arguments.

RESIGNED TO HIS FATE.

RESIGNED TO HIS FATE.

James McElheney will therefore be hanged tomorrow, at eleven o'clock A. M., should notking intervene. His friends and advisers have given up
all hope of a commutation of the sentence or a reprieve. Though naturally of a nervous disposition, and feeling his situation keenly,
the prisoner is resigned and penitent
and calmly awaits his end. His only
entward manifestion of concern when alone is an
apparent involuntary rubbing together of his hands;
but not a word of allusion to his rapidly approaching fate escapes his lips to his prison attendants.
Since his incarceration he has occupied cell No. 29,
in the east wing of the Charles Street Jail, but for
the reason that it was not so convenient to the

Since his incarceration he has occupied cell No. 28, in the east wing of the Charles Street Jail, but for the reason that it was not so convenient to the officers and less free from interruption he was on Wednesday night removed to cell No. 12 in the south wing. He occupied this cell several hours, when he said he did not feel at home there, and the Sheriff kindly allowed nim to return to his old quarters, for which favor he was very grateful. His father and mother yesterday passed several hours in his company, when HE EXECUTED HIS WILL in their presence, affixing his signature in a clear hand, in marked contrast to those of the witnesses to the document, whose sympathies excited their nerves almost beyond control. Last night was passed quietly, and to-day his father, mother, two sisters and a cousin visited him. They spent an hour and a naif in his company and took an affecting and final leave. In parting McElheney naturally exhibited more than ordinary emotion, which he soon controlled, however, after they were gone. These were the last callers he was to receive, and, according to his own request, none others are to be allowed to communicate with him until his execution, except the efficers of the jail and the three clergymen who volunteered their services as spiritual advisers—the Rev. Messgs. Ray, Scott and Upham—of the Methodist Episcopal Church, the former attending him from the time the relatives departed until late in the evening when the others arrived to administer consolation during the waking moments of the night, Mr. Ray will accompany McElheney to the scaffold to-morrow after an hour of devotion in his cell.

THE SCAFFOLD

which was originally built for the execution of Professor J. W. Webster for the murder of Dr. Parkman, and has been used in numerous executions in Eastern Massachusetts, and twice for adjoining States, was put up in the rotunda of the jail this afternoon under the personal supervision of Sheriff John M. Clark. By his direction the execution will be conducted in as quiet a manner

A MURDERER TO BE HANGED IN NEW NEW ORLEANS, March 20, 1873.

Edward Donnelly was to-day sentenced to be hanged for the murder of Denis Gallagher on the 27th September, 1870. EMILY PAITHFULL AT STEINWAY HALL

Miss Emily Faithfull appeared last evening at and was enthusiastically received, notwithstand ing the verdict given her in Boston. The musical to be equal to the occasion in her rendition of "Tell," "The Wall of St. Keyne" and "The Death of Paul Dombey."

THE BATTLE ROW GANG. One of Its Members Attempts to Murder a Family in Brooklyn.

Robert Moore, who is said by the police to belong

that notorious Battle row gang, of Brookiyn, E. D., one of whose members (Henry Rogers) murdered Officer John Donahue, attempted last night to murder a family in Kent avenue, near Flushing. Moore, who is a one-armed pedler, appeared to be crazed with liquor or something eise, and it is a miracle that he did not murder some one else before he was caught. About eight o'clock last night he went to the house of James Mc-Mahon, of 315 Kent avenue, where he displayed a clasp-knife, with which he announced his intention of taking McMahon's life. McMahon called assistance and had the fellow ejected. He then went to the house of Mrs. Catharine McKnight, 346 Kent avenue, and appeared to be resolved to take the life of some person. He seized Mrs. McKnight by the hair, and was just about to stab her when Officer Casey rushed in, knocked him down and took the knife from him. Moore made a desperate resistance, and the officer

THE MONTREAL PIEC A Body Found in the Ruins and Identi-

MONTREAL, Canada, March 20, 1873. The remains of a man were found in the ruined portion of St. James Hotel this morning. The body has been identified as that of Mr. Hyatt, a travelling agent. He was found in a water closet on the fifth floor of the building, and had evidently been sufficiented.

CUNNINGHAM.—In Geddes, on Tuesday, March is, at the residence of her nephew, Rev. P. F. Smith, ANN J. CUNNINGHAM.
Funeral from the residence of her sister, Mrs. D. Smith, 12 Mitchell place (East Porty-ninth street), this (Friday), atternoon, at eac.o'clock.

[For Other Deaths See Ninth Page.]

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The WERKLY HERALD of the present week, now

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